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Title IX. Of Persons Incapable of Administering Their Estates, Whether on Account of Insanity or Some Other Infirmary, and of Their Interdiction and Curatorship (Art. 389 - 426)

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TITLE IX—OF PERSONS INCAPABLE OF ADMINISTERING
THEIR ESTATES, WHETHER ON ACCOUNT OF
INSANITY OR SOME OTHER INFIRMITY,
AND OF THEIR INTERDICTION AND
CURATORSHIP

ART. 389.* No person above the age of majority, who is subject to an habitual state of imbecility, insanity or madness, shall be allowed to take care of his own person and administer his estate, although such person shall, at times, appear to have the possession of his reason.

RCC—31, 33, 37, 297, 390 *et seq.*, 404, 415, 420, 422, 426, 1004, 1475, 1782, 1784, 1788, 1789, 1791 *et seq.* CP—962. Acts 1890, No. 100 (as am. by 1932, No. 191); 1894, No. 157; 1902, No. 92 (as am. by 1904, No. 143; 1924, No. 15; and 1926, No. 212); 1906, No. 154; 1910, No. 264 (as am. by 1918, No. 261); 1918, No. 68 (as am. by 1938, No. 351). RS—1768.

RCC 1870, Art. 389. (Same as Art. 389 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 382. (Projet, p. 30. Amendment adopted; comment by redactors)

No person above the age of majority, who is subject to an habitual state of madness or insanity,** shall be allowed to take charge of his own person or to administer his estate, although such person shall, at times, appear to have the possession of his reason.

Tout majeur, qui est dans un état habituel d'imbécillité, de démence ou de fureur,** doit être interdit de l'administration de sa personne et de ses biens, même lorsque cet état présente des intervalles lucides.

CC 1808, p. 78, Art. 1.

Every person above the age of puberty, who is subject to an habitual state of madness or insanity,** shall not be allowed to take charge of his own person, nor to administer his estate, although such person shall, at times, appear to be reasonable.

-p. 79, Art. 1.

Tout individu au-dessus de l'âge de puberté, qui se trouve dans un état habituel d'imbécillité, de démence, ou de fureur,** doit être interdit de l'administration de sa personne et de ses biens, même lorsque cet état présente des intervalles lucides.

-p. 78, Art. 2.

The minor under the age of puberty who is insane, ought not to be interdicted. A guardian shall be appointed to him, as a minor only, until such a time as he shall have arrived at the age of puberty. (Suppressed on recommendation of redactors; see comment, Projet, p. 30)

-p. 79, Art. 2.

On n'interdit pas le mineur impubère qui est en démence, on se contente de lui nommer un tuteur pour le fait seul de sa minorité, au moins en attendant qu'il ait atteint l'âge de puberté. (Suppressed on recommendation of redactors; see comment, Projet, p. 30)

CN 1804, Art. 489.

The major who is in a state of habitual imbecility, insanity, or madness, should be interdicted, although such person shall, at times, appear to have the possession of his reason.

Le majeur qui est dans un état habituel d'imbécillité, de démence ou de fureur, doit être interdit, même lorsque cet état présente des intervalles lucides.

*In connection with this article see Acts 1890, No. 100 (as am. by 1932, No. 191).

**Note error in English translation of French text; "habitual state of madness or insanity" should be "habitual state of imbecility, insanity or madness."

ART. 390. Every relation has a right to petition for the interdiction of a relation; and so has every husband a right to petition for the interdiction of his wife, and every wife of her husband.

RCC—389, 391, 412, 413.

RCC 1870, Art. 390.

Same as above.

CC 1825, Art. 383.

Same as above.

(No reference in Projet)

Tout parent est recevable à provoquer l'interdiction de son parent; il en est de même de l'un des époux à l'égard de l'autre.

CC 1808, p. 78, Art. 3.

Same as above; but comma (,) after "a relation."

-p. 79, Art. 3.

Same as above.

CN 1804, Art. 490.

Same as above.

Same as above; but period (.) after "son parent."

ART. 391. If the person who should be interdicted has no relations and is not married, or if his relations or consort do not act, the interdiction may be solicited by any stranger, or pronounced *ex officio* by the judge, after having heard the counsel of the person whose interdiction is prayed for, whom it shall be the duty of the judge to name, if one be not already named by the party.

RCC—390, 392 *et seq.*

RCC 1870, Art. 391.

Same as above.

(Same as Art. 391 of Proposed Revision of 1869)

CC 1825, Art. 384.

(No reference in Projet)

If the insane person has no relations and is not married, or if his relations or consort do not act, the interdiction may be solicited by any stranger, or pronounced *ex officio* by the judge, after having heard the counsel of the person whose interdiction is prayed for, whom it shall be the duty of the judge to name, if one be not already named by the party.

A défaut de parens ou d'époux, ou s'ils n'agissent pas, l'interdiction peut être provoquée par un étranger, ou prononcée d'office par le juge, après avoir entendu le défenseur de la personne dont on demande l'interdiction, lequel défenseur le juge devra nommer, si la partie elle-même n'en a constitué aucun.

CC 1808, p. 78, Art. 4.

If the insane has no relations and is not married, or if his relations or consort do not act, the interdiction may be solicited by any stranger or pronounced *ex officio* by the judge.

-p. 79, Art. 4.

A défaut de parens ou d'époux, ou s'ils n'agissent pas, l'interdiction peut être provoquée par un étranger, ou prononcée d'office par le juge.

CN 1804, Art. 491.

In the case of madness, if the interdiction is not petitioned for by the consort or by relations, it must be petitioned for by the *commissaire du Gouvernement*, who, in the case of imbecility or of insanity, may also petition for the interdiction of a person who has neither husband nor wife nor known relations.

Dans le cas de fureur, si l'interdiction n'est provoquée ni par l'époux ni par les parens, elle doit l'être par le commissaire du Gouvernement, qui dans les cas d'imbécillité ou de démence, peut aussi la provoquer contre un individu qui n'a ni époux, ni épouse, ni parens connus.

ART. 392. Every interdiction shall be pronounced by the competent judge of the domicile or residence of the person to be interdicted.

RCC—38, 39, 391, 420, 421. CP—924(10). Acts 1914, No. 166; 1914, No. 226; 1918, No. 68 (as am. by 1938, No. 351); 1918, No. 179, §§1(2), 9, 10; 1926, No. 245.

RCC 1870, Art. 392. (Same as Art. 392 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 385. (No reference in Projet)

Every interdiction shall be pronounced by the judge of the parish of the domicil or residence of the person to be interdicted.

Toute interdiction doit être prononcée par le juge de la paroisse du domicile ou de la résidence de la personne interdite.

CC 1808, p. 78, Art. 5.

Same as above.

-p. 79, Art. 5.

Same as above.

CN 1804, Art. 492.

All petitions for interdictions shall be made to the court of first instance.

Toute demande en interdiction sera portée devant le tribunal de première instance.

ART. 393. The acts of imbecility, insanity or madness must be proved to the satisfaction of the judge, that he may be enabled to pronounce the interdiction, and this proof may be established as well by written as by parol evidence; and the judge may, moreover, interrogate, or cause to be interrogated by any other person commissioned by him for that purpose, the person whose interdiction is petitioned for, or cause such person to be examined by physicians or other skillful persons, in order to obtain their report, upon oath, on the real situation of him who is stated to be of unsound mind.

Acts 1926, No. 34, §2.

RCC 1870, Art. 393. (Same as Art. 393 of Proposed Revision of 1869)
Same as above.

CC 1825, Art. 386. (No reference in Projet)

The acts of madness, insanity or fury, must be proved to the satisfaction of the judge, that he may be enabled to pronounce the interdiction, and this proof may be established as well by written as by parol evidence; and the judge may moreover interrogate or cause to be interrogated by any other person commissioned by him for that purpose, the person whose interdiction is petitioned for, or cause such person to be examined by physicians, or other skillfull persons, in order to obtain their report upon oath on the real situation of him who is stated to be of unsound mind.

Les faits de démence, d'imbécillité ou de fureur, doivent être prouvés à la satisfaction du juge, pour qu'il puisse prononcer l'interdiction, et cette preuve peut être faite tant par titres que par témoins, et le juge pourra en outre, s'il le croit nécessaire, interroger, soit par lui-même soit par toute autre personne par lui commise à cet effet, celui dont on poursuit l'interdiction, ou le faire visiter par des médecins ou autres personnes de l'art, à l'effet d'avoir leur rapport assermenté sur son état.

CC 1808, p. 78, Art. 6.

The acts of madness, insanity or fury must be proved to the satisfaction of the judge, that he may be enabled to pronounce the interdiction; and this proof may be established as well by written as by parol evidence.

-p. 79, Art. 6.

Les faits de démence, d'imbécillité ou de fureur, doivent être prouvés à la satisfaction du juge, pour qu'il puisse prononcer l'interdiction, et cette preuve peut être faite tant par titres que par témoins, et le juge pourra en outre, s'il

The judge may moreover interrogate or cause to be interrogated by any other person commissioned by him, for that purpose, the person whose interdiction is petitioned for, or cause such person to be examined by physicians or other skilful persons in order to obtain their report upon oath on the real situation of him who is stated to be of unsound mind.

CN 1804, Art. 493.

The acts of imbecility, insanity, or madness shall be alleged in writing. Those who seek the interdiction shall present the witnesses and the documentary evidence.

-Art. 494.

The court shall order that the family meeting, formed in the manner specified in section IV of chapter II of the title of *Minority, of Tutorship and of Emancipation*, give its opinion on the condition of the person whose interdiction is sought.

-Art. 496.

After having heard the opinion of the family meeting, the court shall interrogate the defendant in chambers: if he cannot appear, he shall be interrogated at his abode by one of the judges commissioned for that purpose and assisted by the clerk. In all cases, the *commissaire du Gouvernement* shall be present at the interrogations.

le croit nécessaire, interroger, soit par lui-même, ou par toute autre personne par lui commise à cet effet, celui dont on poursuit l'interdiction, ou le faire visiter par des médecins et autres personnes de l'art, à l'effet d'avoir leur rapport assermenté sur son état.

Les faits d'imbécillité, de démence, ou de fureur, seront articulés par écrit. Ceux qui poursuivront l'interdiction, présenteront les témoins et les pièces.

Le tribunal ordonnera que le conseil de famille, formé selon le mode déterminé à la section IV du chapitre II du titre de la *Minorité, de la Tutelle et de l'Emancipation*, donne son avis sur l'état de la personne dont l'interdiction est demandée.

Après avoir reçu l'avis du conseil de famille, le tribunal interrogera le défendeur à la chambre du conseil: s'il ne peut s'y présenter, il sera interrogé dans sa demeure, par l'un des juges à ce commis, assisté du greffier. Dans tous les cas, le commissaire du Gouvernement sera présent à l'interrogatoire.

ART. 394. Pending the issue of the petition for interdiction, the judge may, if he deems it proper, appoint for the preservation of the movables and for the administration of the immovable estate of the defendant, an administrator *pro tempore*.

RCC 1870, Art. 394. (Same as Art. 394 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 387. (No reference in Projet)

Pending the issue of the petition for interdiction the judge may, if he deems it proper, appoint for the preservation of the moveable and for the administration of the immoveable estate of the defendant, an administrator *pro tempore*.

Pendant l'instruction de la demande en interdiction, le juge peut commettre, s'il le juge convenable pour la conservation du mobilier et l'administration des immeubles, un administrateur provisoire aux biens du défendeur.

CC 1808, p. 78, Art. 7.

Same as above; but comma (,) after "interdiction"; no punctuation after "may", or after "defendant."

-p. 79, Art. 7.

Same as above.

CN 1804, Art. 497.

After the first interrogation, the court, if there be need, shall appoint an administrator *pro tempore* for the care of the person and property of the defendant.

Après le premier interrogatoire, le tribunal commettra, s'il y a lieu, un administrateur provisoire, pour prendre soin de la personne et des biens du défendeur.

Projet du Gouvernement (1800), Book I, Title X, Art. 14.

After the first interrogation and examination, the court, if there be need, shall appoint for the conservation of the movable, and for the administration of the immovable estate of the defendant, an administrator *pro tempore*.

Après le premier interrogatoire et examen, le tribunal commet, s'il y a lieu, pour la conservation du mobilier et l'administration des immeubles, un administrateur provisoire aux biens du défendeur.

ART. 395. Every judgment by which an interdiction is pronounced, shall be provisionally executed, notwithstanding an appeal.

RCC—404. CP—580. Acts 1914, No. 166; 1922, No. 32.

RCC 1870, Art. 395.

Same as above.

CC 1825, Art. 388.

Same as above.

(No reference in Projet)

Tout jugement qui prononce une interdiction, est exécutoire par provision, nonobstant l'appel.

CC 1808, p. 78, Art. 8.

Same as above; but no punctuation after "judgement", or after "executed."

-p. 79, Art. 8.

Same as above; but no punctuation after "provision."

CN 1804. No corresponding article.

Projet du Gouvernement (1800), Book I, Title X, Art. 16, par. 1.

Same as CC 1808, p. 78, Art. 8, above.

Same as CC 1808, p. 79, Art. 8, above; but no punctuation after "interdiction"; comma (,) after "provision."

ART. 396. In case of appeal, the appellate court may, if it is deemed necessary, proceed to the hearing of new proofs, and question, or cause to be questioned, as above provided, the person whose interdiction is petitioned for, in order to ascertain the state of his mind.

RCC—404. CP—894. Acts 1914, No. 166.

RCC 1870, Art. 396.

Same as above.

(Same as Art. 396 of Proposed Revision of 1869)

CC 1825, Art. 389.

(No reference in Projet)

In case of appeal, the appellate court may, if they deem it necessary, proceed to the hearing of new proofs and question or cause to be questioned, as above provided, the person whose interdiction is petitioned for in order to ascertain the state of his mind.

En cas d'appel, la cour suprême pourra, si elle le juge nécessaire, procéder à l'audition de nouvelles preuves, comme aussi interroger ou faire interroger, comme il est dit ci-dessus, celui dont l'interdiction est poursuivie, pour s'assurer de son état.

CC 1808, p. 78, Art. 9.

In case of appeal, the superior court may, if they deem it necessary, proceed to the hearing of new proofs, and question or cause to be questioned, as above provided, the person whose interdiction is petitioned for, in order to ascertain the state of his mind.

-p. 79, Art. 9.

En cas d'appel la cour supérieure pourra, si elle le juge nécessaire, procéder à l'audition de nouvelles preuves, comme aussi interroger ou faire interroger, comme il est dit ci-dessus, celui dont l'interdiction est poursuivie, pour s'assurer de son état.

CN 1804, Art. 500.

In case of appeal of the judgment rendered in the court of first in-

En cas d'appel du jugement rendu en première instance, le tribunal d'appel

stance, the appellate court may, if it deems it necessary, again question or cause to be questioned by a *commissaire*, the person whose interdiction is sought. pourra, s'il le juge nécessaire, interroger de nouveau, ou faire interroger par un commissaire, la personne dont l'interdiction est demandée.

ART. 397. On every petition for interdiction, the costs shall be paid out of the estate of the defendant, if he shall be interdicted, and by the petitioner, if the interdiction prayed for shall not be pronounced.

RCC—419.

RCC 1870, Art. 397.

Same as above.

CC 1825, Art. 390.

(No reference in Projet)

Same as above.

Sur toutes demandes en interdiction, les frais seront payés sur les biens du défendeur, s'il est interdit, et par le demandeur, si l'interdiction n'est pas prononcée.

CC 1808, p. 78, Art. 10.

On every petition for interdiction, the costs of the suit shall be paid out of the estate of the defendant, if he shall be interdicted, and by the petitioner if the interdiction prayed for shall not be pronounced.

-p. 79, Art. 10.

Same as above.

CN 1804. No corresponding article.

Projet du Gouvernement (1800), Book I, Title X, Art. 19.

In the case mentioned in the preceding article and in Article 13, the costs of the transportation are advanced by the person petitioning for the interdiction and paid to the clerk or to his assistant, upon the signed statement rendered by the *commissaire*, and subject to a right of reimbursement out of the estate of the interdict, if the interdiction is pronounced.

In the case where the interdiction is only sued for on the petition of the *commissaire du Gouvernement*, the costs of transportation are advanced by the treasurer of the place in which the court sits, subject to his reimbursement, out of the estate of the person whose interdiction is being sought, if this interdiction is pronounced.

Dans le cas de l'article précédent et de l'article 13, les frais du transport sont avancés par celui qui poursuit l'interdiction, et payés au greffier ou à son commis, sur l'état arrêté et signé du commissaire, et sauf à en répéter le remboursement sur les biens de l'interdit, si l'interdiction est prononcée.

Dans le cas où l'interdiction n'est provoquée qu'à la requête du commissaire du gouvernement, les frais de transport sont avancés par le receveur du droit d'enregistrement, du lieu où siège le tribunal, sauf son remboursement sur les biens de la personne dont l'interdiction est provoquée, si cette interdiction est prononcée.

ART. 398. Every sentence of interdiction shall be published three times, in the manner prescribed for judicial advertisements; and this duty is imposed upon him who shall be appointed curator of the person interdicted, and shall be performed within a month after the date of the interdiction, under the penalty of being answerable for all damages to such persons as may, through ignorance, have contracted with the person interdicted.

RCC—400, 402, 1117, 1788.

RCC 1870, Art. 398.

(Same as Art. 398 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 391.

(No reference in Projet)

Every sentence of interdiction shall be published three times, in at least two of the news-papers printed in New Orleans, or made known by advertisements at the door of the court house of the parish of the domicil of the person interdicted, both in the French and English languages, and this duty is imposed upon him who shall be appointed curator of the person interdicted, and shall be performed within a month after the date of the interdiction, under the penalty of being answerable for all damages to such persons as may, through ignorance, have contracted with the person interdicted.

Toute interdiction devra être annoncée par trois fois dans au moins deux des papiers publics qui s'impriment à la Nouvelle-Orléans, ou par affiches à la porte de l'auditoire de la paroisse du domicile de la personne interdite, et ce en Anglais et en Français, à la diligence de celui qui aura été nommé curateur de l'interdit, ainsi qu'il est dit ci-après, dans le mois de la date de cette interdiction, à peine de tous dépens, dommages-intérêts envers les personnes qui, par ignorance, pourraient contracter avec l'interdit.

CC 1808, p. 78, Art. 11.

Every sentence of interdiction shall be published three times in at least two of the newspapers printed in New Orleans, or made known by advertisements at the door of the court house of the parish of the domicil of the person interdicted, both in the french and english languages and this duty is imposed upon him who shall be appointed curator of the person interdicted, and shall be performed within a month after the date of said interdiction, under the penalty of being answerable for all damages to such persons as may, through ignorance, have contracted with the person interdicted.

-p. 79, Art. 11.

Toute interdiction devra être annoncée par trois fois dans au moins deux des papiers publics qui s'impriment à la Nouvelle-Orléans, ou par affiches à la porte de l'auditoire de la paroisse du domicile de la personne interdite, et ce en anglais et en français à la diligence de celui qui aura été nommé curateur de l'interdit, ainsi qu'il est dit ci-après, dans le mois de la date de ladite interdiction, à peine de tous dépens, dommages intérêts envers les personnes qui, par ignorance, pourraient contracter avec l'interdit.

CN 1804, Art. 501.

Every judgment decreeing interdiction, or the appointment of an adviser, shall be, at the instance of the petitioners, entered, served upon the parties, and inscribed within ten days on the bulletins which must be posted in the main court hall and in the offices of the notaries of the district.

Tout jugement portant interdiction, ou nomination d'un conseil, sera, à la diligence des demandeurs, levé, signifié à partie, et inscrit, dans les dix jours, sur les tableaux qui doivent être affichés, dans la salle de l'auditoire, et dans les études des notaires de l'arrondissement.

ART. 399. No petition for interdiction, if the same shall have once been rejected, shall be acted upon again; unless new facts, happening posterior to the sentence, shall be alleged.

RCC 1870, Art. 399.

Same as above.

CC 1825, Art. 392.

(No reference in Projet)

Same as above; but comma (,) after "again."

La demande en interdiction, une fois rejetée, ne pourra plus être reproduite, s'il n'est allégué des faits nouveaux survenus depuis le jugement.

CC 1808, p. 80, Art. 12.

Same as above; but no punctuation after "facts."

-p. 81, Art. 12.

Same as above; but no punctuation after "interdiction."

CN 1804. No corresponding article.

Projet du Gouvernement (1800), Book I, Title X, Art. 21.

Same as CC 1808, p. 80, Art. 12, above. La demande en interdiction, une fois rejetée, ne pourra plus être reproduite, s'il n'est allégué de nouveaux faits survenus depuis le jugement.

ART. 400. The interdiction takes place from the day of presenting the petition for the same.

RCC—398, 401, 1788.

RCC 1870, Art. 400.

Same as above.

CC 1825, Art. 393.

(No reference in Projet)

Same as above.

L'interdiction a son effet, du jour de la demande qui l'a provoquée.

CC 1808, p. 80, Art. 13.

Same as above.

-p. 81, Art. 13.

Same as above; but comma (,) after "L'interdiction"; no punctuation after "effet."

CN 1804, Art. 502, sentence 1.

The interdiction or the appointment of an adviser shall become effective from the day of the judgment.

L'interdiction ou la nomination d'un conseil aura son effet du jour du jugement.

Projet du Gouvernement (1800), Book I, Title X, Art. 22.

Same as CC 1808, p. 80, Art. 13, above.

Same as CC 1808, p. 81, Art. 13, above; but no punctuation after "L'interdiction."

ART. 401. All acts done by the persons interdicted from the date of filing the petition for interdiction, until the day when the same is pronounced, are null.

RCC—400, 1018, 1475, 1782, 1784, 1791 *et seq.*, 2229, 2231.

RCC 1870, Art. 401.

(Same as Art. 401 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 394.

(No reference in Projet)

All acts done by the person interdicted from the date of the filing the petition for interdiction, until the day when the same is pronounced, are null.

Tous les actes passés par l'interdit dans l'intervalle de la provocation de l'interdiction au jugement définitif qui l'a prononcée, sont nuls.

CC 1808, p. 80, Art. 14.

All acts done by the person interdicted from the date of the filing the petition for interdiction, until the day when the same is pronounced by a final judgment, are null.

-p. 81, Art. 14.

Same as above.

CN 1804, Art. 502, sentence 2.

All acts done after that time by the interdict, or without the assistance of the adviser, shall be null as a matter of right.

Tous actes passés postérieurement par l'interdit, ou sans l'assistance du conseil, seront nuls de droit.

Projet du Gouvernement (1800), Book I, Title X, Art. 23.

Same as CC 1808, p. 80, Art. 14, above.

Same as CC 1808, p. 81, Art. 14, above; but comma (,) after "l'interdit."

ART. 402. No act anterior to the petition for the interdiction shall be annulled, except where it shall be proved that the cause of such interdiction notoriously existed at the time when the acts, the validity of which is contested, were made or done, or* that the party

who contracted, with the interdicted person, could not have been deceived as to the situation of his mind.

Notoriously, in this article, means that the cause of interdiction was generally known by the persons who saw and conversed with the party.

RCC—398, 1475, 1788(2, 3), 1789, 1791 *et seq.*, 2229, 2231.

RCC 1870, Art. 402.

(Same as Art. 402 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 395.

(No reference in Projet)

No act anterior to the petition for the interdiction shall be annulled, except where it shall be proved that the cause of such interdiction notoriously existed at the time when the deeds, the validity of which is contested, were made, or* that the party who contracted, with the lunatic or insane person, could not have been deceived as to the situation of his mind.

Notoriously, in this article, means that the insanity was generally known by the persons who saw and conversed with the party.

CC 1808, p. 80, Art. 15.

No act anterior to the petition for the interdiction shall be annulled, except where it shall be proved that the cause of such interdiction notoriously existed at the time when the deeds, the validity of which being contested, were made, and that the party who contracted with the lunatic or insane person, could not have been deceived as to the situation of his mind.

CN 1804, Art. 503.

Acts anterior to the interdiction may be annulled if the cause of the interdiction existed notoriously at the time when these acts were made.

Les actes antérieurs à la demande en interdiction ne pourront être annulés, qu'autant qu'il sera prouvé que la cause de l'interdiction existait notoirement à l'époque où les actes contestés ont été faits, et* que la personne qui a contracté avec l'interdit, n'a pu être trompée sur son état.

Notoirement signifie ici que la démence était généralement connue des personnes qui voyaient l'interdit et conversaient avec lui.

-p. 81, Art. 15.

Same as par. 1, above; but comma (,) after "interdiction."

Les actes antérieurs à l'interdiction pourront être annulés, si la cause de l'interdiction existait notoirement à l'époque où ces actes ont été faits.

*Note error in English translation of French text; "or" should be "and."

ART. 403. After the death of a person, the validity of acts done by him can not be contested for cause of insanity, unless his interdiction was pronounced or petitioned for previous to the death of such person, except in cases in which the mental alienation manifested itself within ten days previous to the decease, or in which the proof of the want of reason results from the act itself which is contested.

RCC—1475, 1788(4, 5, 6, 7), 1791 *et seq.*, 2229, 2231.

RCC 1870, Art. 403.

Same as above.

CC 1825, Art. 396.

(Projet, p. 30. Addition adopted; comment by redactors)

Same as above.

Après la mort d'un individu, les actes par lui faits ne peuvent être attaqués pour cause de démence, qu'autant que son interdiction aurait été prononcée ou provoquée avant son décès, à moins que l'aliénation mentale ne se soit mani-

festée dans les dix jours avant le décès de l'individu, ou que la preuve de la démence ne résulte de l'acte même qui est attaqué.

CC 1808, p. 80, Art. 16.

After the death of a person interdicted, the validity of acts done by him or her cannot be contested, for cause of insanity, unless the interdiction was pronounced, or petitioned for previous to the death of such person.

-p. 81, Art. 16.

Après la mort d'un interdit, les actes par lui faits ne peuvent être attaqués pour cause de démence, qu'autant qu'il y aurait interdiction prononcée ou provoquée avant son décès.

CN 1804, Art. 504.

After the death of a person, the validity of acts done by him cannot be contested for cause of insanity, unless his interdiction was pronounced or petitioned for previous to the death of such person; except in cases in which the proof of the want of reason results from the act itself which is contested.

Après la mort d'un individu, les actes par lui faits ne pourront être attaqués pour cause de démence, qu'autant que son interdiction aurait été prononcée ou provoquée avant son décès; à moins que la preuve de la démence ne résulte de l'acte même qui est attaqué.

Projet du Gouvernement (1800), Book I, Title X, Art. 25.

Same as CC 1808, p. 80, Art. 16, above.

Après la mort d'un interdit, les actes par lui faits ne peuvent être attaqués pour cause de démence, qu'autant qu'il y aurait interdiction ou prononcée ou provoquée avant son décès.

ART. 404. Within a month, to reckon from the date of the judgment of interdiction, if there has been no appeal from the same, or if there has been an appeal, then within a month from the confirmative sentence, it shall be the duty of the competent judge of the domicile or residence of the person interdicted to appoint a curator to his person and estate.

RCC—31, 32, 389, 395, 396, 405, 412, 413, 3354. CP—580, 924, 1059.

RCC 1870, Art. 404.

(Same as Art. 404 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 397.

(No reference in Projet)

Within a month, to reckon from the date of the judgment of interdiction, if there has been no appeal from the same, or if there has been an appeal, then within a month from the confirmative sentence, it shall be the duty of the judge of the parish of the domicile or residence of the person interdicted to appoint a curator to his person and estate.

Dans le mois à compter de la date du jugement en interdiction, s'il n'y a pas eu d'appel, ou s'il y a eu appel, dans le mois à compter du jugement confirmatif, il sera par le juge de la paroisse du domicile ou résidence de l'interdit, nommé un curateur à sa personne et à ses biens.

CC 1808, p. 80, Art. 17.

Same as above; but comma (,) after "interdicted."

-p. 81, Art. 17.

Dans le mois à compter de la date du jugement en interdiction, s'il n'y a pas eu d'appel, ou s'il y a eu appel, dans le mois à compter du jugement confirmatif, il sera, par le juge de la paroisse du domicile ou résidence de l'interdit, nommé un curateur à la personne et aux biens dudit interdit.

CN 1804, Art. 505.

If there is no appeal from the judgment of interdiction rendered in the

S'il n'y a pas d'appel du jugement d'interdiction rendu en première in-

court of first instance, or if it is confirmed on appeal, a tutor and under-tutor shall be appointed to the interdict, according to the rules prescribed in the title: *Of Minority, of Tutorship and of Emancipation*. The duties of the administrator *pro tempore* are at an end, and he shall give an account of his administration to the tutor, if he is not himself the tutor.

stance, ou s'il est confirmé sur l'appel, il sera pourvu à la nomination d'un tuteur et d'un subrogé tuteur à l'interdit, suivant les règles prescrites au titre *de la Minorité, de la Tutelle et de l'Emancipation*. L'administrateur provisoire cessera ses fonctions, et rendra compte au tuteur, s'il ne l'est pas lui-même.

ART. 405. This appointment is made according to the same forms as the appointment to the tutorship of minors.

After the appointment of the curator to the person interdicted, the duties of the administrator *pro tempore*, if he shall not have been appointed curator, are at an end; and he shall give an account of his administration to the curator.

RCC—307 *et seq.*, 337 *et seq.*, 356, 357, 359, 404, 412, 413, 415, 3314. CP—115, 962. Acts 1932, No. 71.

RCC 1870, Art. 405.

Same as above.

CC 1825, Art. 398.

Same as above.

(No reference in Projet)

Cette nomination se fait en la même forme que la nomination à la tutelle des mineurs.

Après la nomination du curateur à l'interdit, l'administrateur provisoire, s'il n'est pas curateur, cesse ses fonctions, et rend compte au curateur.

CC 1808, p. 80, Art. 18.

This appointment is made according to the same forms, as the appointment to the guardianship of minors.

Par. 2 same as par. 2, above.

-p. 81, Art. 18.

Same as above; but no punctuation after "fonctions."

CN 1804, Art. 505.

Quoted under RCC 1870, Art. 404, above.

Projet du Gouvernement (1800), Book I, Title X, Art. 27.

This appointment is made according to the same forms as the appointment to the tutorship.

After the appointment to the tutorship, the duties of the administrator *pro tempore*, if he shall not have been appointed tutor, are at an end, and he shall give an account of his administration to the tutor.

Cette nomination se fait en la même forme que la nomination à la tutelle.

Après la nomination à la tutelle, l'administrateur provisoire, s'il n'est pas tuteur, cesse ses fonctions et rend compte au tuteur.

ART. 406. In every curatorship to an interdicted person, there shall be an undercurator, whom it shall be the duty of the judge to appoint, at the same time the letters of curatorship are certified for the curator.

RCC—273 *et seq.*

RCC 1870, Art. 406.

Same as above.

(Same as Art. 406 of Proposed Revision of 1869; same as Acts 1861, No. 254, §1 [RS §1095])

CC 1825. No corresponding article.

CC 1808. No corresponding article.

CN 1804, Art. 505.

Quoted under RCC 1870, Art. 404, above.

ART. 407. It shall be the duty of the undercurator to act for the interdicted person, whenever the interest of the interdicted person is in opposition to the interest of the curator.

RCC—275.

RCC 1870, Art. 407. (Same as Art. 407 of Proposed Revision of 1869;
Same as above. same as Acts 1861, No. 254, §2 [RS §1096])

CC 1825. No corresponding article.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 408. The undercurator can not be a member of family meetings, but must be present for the purpose of advising, and when he is of opinion that the determination of the family meeting is injurious to the interest of the interdicted person, it shall be his duty to oppose the homologation of the proceedings.

RCC—276.

RCC 1870, Art. 408. (Same as Art. 408 of Proposed Revision of 1869;
Same as above. same as Acts 1861, No. 254, §3 [RS §1097])

CC 1825. No corresponding article.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 409. The curatorship shall not devolve upon the undercurator when the same shall become vacant; but when it shall become necessary to appoint another curator, it shall be the duty of the undercurator to cause such an appointment to be made.

RCC—279.

RCC 1870, Art. 409. (Same as Art. 409 of Proposed Revision of 1869;
Same as above. same as Acts 1861, No. 254, §4 [RS §1098])

CC 1825. No corresponding article.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 410. Undercurators shall perform all the duties required of undertutors, and shall be subject to the same responsibilities.

RCC—275 *et seq.*

RCC 1870, Art. 410. (Same as Art. 410 of Proposed Revision of 1869)
Same as above.

CC 1825. No corresponding article.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 411. The duties of the undercurator shall be at an end at the same time with the curatorship.

RCC—280.

RCC 1870, Art. 411. (Same as Art. 411 of Proposed Revision of 1869;
Same as above. same as Acts 1861, No. 254, §5 [RS §1099])

CC 1825. No corresponding article.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 412. The married woman, who is interdicted, is of course under the curatorship of her husband.

RCC—390, 414.

RCC 1870, Art. 412.

Same as above.

(Same as Art. 412 of Proposed Revision of 1869; in conformity with Acts 1830, p. 46, §9 [RS §23481])

CC 1825, Art. 399.

(No reference in Projet)

The married woman, who is interdicted, is of course under the curatorship of her husband. Nevertheless it is the duty of the husband, in such case, to cause to be appointed by the judge a curator *ad litem*, who may appear for the wife in every case when she may have an interest in opposition to the interest of her husband, or one of a nature to be pursued or defended jointly with his.

La femme mariée qui est interdite, est de droit sous la curatelle de son mari. Néanmoins le mari est tenu, en ce cas, de faire nommer par le juge un curateur *ad lites* qui représente l'épouse interdite, dans toutes les affaires où elle a des intérêts opposés à ceux de son mari, ou qui doivent être constatés avec lui.

CC 1808, p. 80, Art. 19.

The married woman who is interdicted, is of course under the curatorship of her husband.—Nevertheless it is the duty of the husband in such a case, to cause to be appointed by the judge a curator *ad litem* who may appear for the wife interdicted, in every case when she may have an interest in opposition to the interest of her husband, or one of a nature to be pursued or defended jointly with his.

-p. 81, Art. 19.

Same as above; but comma (,) after "curatelle de son mari", and after "*ad lites*"; no punctuation after "l'épouse interdite."

CN 1804, Art. 506.

The husband is, of right, the tutor of his interdicted wife.

Le mari est, de droit, le tuteur de sa femme interdite.

Projet du Gouvernement (1800), Book I, Title X, Art. 28.

The married woman, who is interdicted, is, of course, under the tutorship of her husband. Yet, it is the duty of the husband to cause to be appointed by the family meeting, an undertutor who may appear for the wife interdicted, in every case when she may have an interest in opposition to the interest of her husband, or one of a nature to be pursued or defended jointly with his.

La femme mariée qui est interdite, est, de droit, sous la tutelle du mari. Cependant, il est tenu de faire nommer, par le conseil de famille, un subrogé tuteur, qui représente l'épouse interdite dans toutes les affaires où elle a des intérêts opposés à ceux de son mari, ou qui doivent être constatés avec lui.

ART. 413.* The wife may be appointed curatrix to her husband, if she has, in other respects, the necessary qualifications.

She is not bound to give security.

RCC—302, 390, 414, 415. Acts 1921, E.S., No. 34.

RCC 1870, Art. 413.

Same as above.

CC 1825, Art. 400.

Same as above.

(Projet, p. 31. Amendment adopted; no comment)

La femme peut être nommée curatrice de son mari, si elle a d'ailleurs les qualités requises.

Elle n'est point tenue de donner caution.

CC 1808, p. 80, Art. 20.

Same as par. 1, above.

-p. 81, Art. 20.

Same as par. 1, above.

CN 1804, Art. 507.

The wife may be appointed tutrix to her husband. In such case, the family meeting shall regulate the form and conditions of the administration; subject to the wife's recourse before the courts if she believes herself injured by the decision of the family.

La femme pourra être nommée tutrice de son mari. En ce cas, le conseil de famille réglera la forme et les conditions de l'administration; sauf le recours devant les tribunaux de la part de la femme qui se croirait lésée par l'arrêté de la famille.

Projet du Gouvernement (1800), Book I, Title X, Art. 29, par. 1.

The wife may be appointed tutrix to her husband.

La femme peut être nommée tutrice de son mari.

*In connection with this article see Acts 1921, E.S., No. 34.

ART. 414. No one, except the husband with respect to his wife, or the wife with respect to her husband, the relations in the ascending line with respect to the relations in the descending line, and *vice versa* the relations in the descending line with respect to the relations in the ascending line, can be compelled to act as curator to a person interdicted more than ten years, after which time the curator may petition for his discharge.*

RCC—292, 296, 298, 412, 413, 415.

RCC 1870, Art. 414.

Same as above.

(Same as Art. 414 of Proposed Revision of 1869)

CC 1825, Art. 401.

(No reference in Projet)

No one, except the husband with respect to his wife, or wife with respect to her husband, the relations in the ascending line with respect to the relations in the descending line, and *vice versa* the relations in the descending line with respect to the relations in the ascending line, can be compelled to act as curator to a person interdicted more than ten years, after which time the curator may petition for his discharge.*

Nul, excepté l'un des époux à l'égard de l'autre, les ascendants à l'égard des descendants, et ceux-ci à l'égard des ascendants, ne peut être tenu de conserver la curatelle d'un interdit, au-delà de dix ans; à l'expiration de ce délai, le curateur pourra demander son remplacement.*

CC 1808, p. 80, Art. 21.

Same as above; but comma (,) after "and", after "*vice versa*", after "curator", and after "interdicted."

-p. 81, Art. 21.

Same as above; but no punctuation after "interdit."

CN 1804, Art. 508.

No one, except the spouses, the ascendants and descendants, shall be compelled to act as tutor to a person interdicted more than ten years. After this time the tutor may petition for, and should obtain, his replacement.

Nul, à l'exception des époux, des ascendants et descendants, ne sera tenu de conserver la tutelle d'un interdit au-delà de dix ans. A l'expiration de ce délai, le tuteur pourra demander et devra obtenir son remplacement.

Projet du Gouvernement (1800), Book I, Title X, Art. 30.

No one, except the husband with respect to his wife, or the wife, with respect to her husband, the relations in the ascending line as to the relations in the descending line, and *vice versa* the relations in the descending line as to the

Nul, excepté l'un des époux à l'égard de l'autre, les ascendants respectivement aux descendants, et ceux-ci respectivement aux ascendants, ne peut être tenu de conserver la tutelle d'un interdit au-delà de dix ans. A l'expiration de ce

relations in the ascending line, can be compelled to act as tutor to a person interdicted more than ten years. After this time the tutor may petition for his replacement.

délai, le tuteur pourra demander son remplacement.

*Note error in English translation of French text; "discharge" should be "replacement."

ART. 415. The person interdicted is, in every respect, like the minor who is under a tutor, both as it respects his person and estate; and the rules respecting the tutorship of the minor, concerning the oath, the inventory and the security, the recording of the legal mortgage, the mode of administering, the sale of the estate, the commission on the revenues, the excuses, the exclusion or deprivation of the tutorship, the mode of rendering the accounts, and the other obligations, apply with respect to the curatorship of the person interdicted.

RCC—246 *et seq.*, 270 *et seq.*, 273 *et seq.*, 292 *et seq.*, 302 *et seq.*, 307 *et seq.*, 336 *et seq.*, 353, 405, 413, 414, 423, 1312, 1547, 1556, 1558, 3314. CP—115, 962, 1013, 1017. RS—2344, 2345.

RCC 1870, Art. 415.

(Same as Art. 415 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 402.

(No reference in Projet)

The person interdicted is, in every respect, like the minor who has not arrived at the age of puberty, both as it respects his person and estate; and the rules respecting the guardianship of the minor, concerning the oath, the inventory and the security, the mode of administering, the sale of the estate, the commission on the revenues, the excuses, the exclusion or deprivation of the guardianship, the mode of rendering the accounts, and the other obligations, apply with respect to the curatorship of the person interdicted.

L'interdit est assimilé au mineur impubère, pour sa personne et pour ses biens; les règles pour la tutelle du mineur concernant le serment, l'inventaire et le cautionnement, le mode d'administration, la vente des biens, la commission sur les revenus, les dispenses, l'exclusion ou destitution de la tutelle, le mode de reddition de compte et autres obligations, ont lieu pour la curatelle de l'interdit.

CC 1808, p. 80, Art. 22.

Same as above; but no punctuation after "estate", or after "obligations"; comma (,) after "interdicted."

-p. 81, Art. 22.

Same as above; but no punctuation after "impubère"; comma (,) after "du mineur."

CN 1804, Art. 509.

The person interdicted is, in every respect, like the minor, both as it respects his person and estate; the laws relating to the tutorship of minors shall apply to the tutorship of persons interdicted.

L'interdit est assimilé au mineur, pour sa personne et pour ses biens: les lois sur la tutelle des mineurs s'appliqueront à la tutelle des interdits.

Projet du Gouvernement (1800), Book I, Title X, Art. 31.

The person interdicted is, in every respect, like the minor, both as it respects his person and estate; the regulations respecting the tutorship of the minor, concerning the mode of administering the estate, the excuses, the exclusion or deprivation of the tutorship, and the mode of rendering the accounts, apply with respect to the tutorship of the person interdicted.

L'interdit est assimilé au mineur pour sa personne et pour ses biens; les réglemens pour la tutelle du mineur, concernant le mode d'administration des biens, les dispenses, l'exclusion ou destitution de la tutelle, et le mode de reddition de compte, ont lieu pour la tutelle de l'interdit.

ART. 416. When any of the children of the person interdicted is to be married, the dowry or advance of money to be drawn from his estate, is to be regulated by the judge, with the advice of a family meeting.

RCC—2331, 2337 *et seq.*, 2376, 3319. Acts 1926, No. 319; 1934, No. 47 (as am. by 1935, 2E.S., No. 18).

RCC 1870, Art. 416.

Same as above.

CC 1825, Art. 403.

(No reference in Projet)

Same as above.

Lorsqu'il est question du mariage de l'un des enfans de l'interdit, la dot ou l'avancement d'hoirie sont réglés par le juge, de l'avis de l'assemblée de famille.

CC 1808, p. 82, Art. 23.

When any of the children of the person interdicted, is to be married, the dowry or advance of money to be drawn from his estate, is to be regulated by the judge with the advice of the meeting of the family.

-p. 83, Art. 23.

Same as above.

CN 1804, Art. 511.

When any of the children of the person interdicted is to be married, the dowry or advance of money to be drawn from his estate, and the other matrimonial conventions, shall be regulated by the opinion of the family meeting, homologated by the court upon the findings of the *commissaire du Gouvernement*.

Lorsqu'il sera question du mariage de l'enfant d'un interdit, la dot, ou l'avancement d'hoirie, et les autres conventions matrimoniales, seront réglés par un avis du conseil de famille, homologué par le tribunal, sur les conclusions du commissaire du Gouvernement.

Projet du Gouvernement (1800), Book I, Title X, Art. 32.

When any of the children of the person interdicted is to be married, the dowry or advance of money to be drawn from his estate, is to be regulated by a family meeting.

Lorsqu'il est question du mariage de l'un des enfans de l'interdit, la dot, ou l'avancement d'hoirie, sont réglés par le conseil de famille.

ART. 417. According to the symptoms of the disease, under which the person interdicted labors, and according to the amount of his estate, the judge may order that the interdicted person be attended in his own house, or that he be placed in a bettering house, or indeed if he be so deranged as to be dangerous, he may order him to be confined in safe custody.

RCC—424, 425. Acts 1888, No. 152.

RCC 1870, Art. 417.

Same as above.

CC 1825, Art. 404.

(No reference in Projet)

Same as above.

Selon les caractères de la maladie dont l'interdit est attaqué, et suivant l'état de sa fortune, le juge doit ordonner qu'il sera traité dans son domicile, ou qu'il sera placé dans une maison de santé. Il peut même le mettre en lieu de sûreté, s'il est furieux.

CC 1808, p. 82, Art. 24.

Same as above; but no punctuation after "disease."

-p. 83, Art. 24.

Selon les caractères de la maladie dont l'interdit est atteint et suivant l'état de sa fortune, le juge doit ordon-

ner qu'il sera traité dans son domicile, ou qu'il sera placé dans une maison de santé; il peut même le faire mettre en lieu de sûreté, s'il est furieux.

CN 1804, Art. 510, sentence 2.

According to the symptoms of his disease, and according to the amount of his estate, the family meeting can decide that the interdicted person be attended in his own house, or that he be placed in a bettering house, or even in an asylum.

Selon les caractères de sa maladie et l'état de sa fortune, le conseil de famille pourra arrêter qu'il sera traité dans son domicile, ou qu'il sera placé dans une maison de santé, et même dans un hospice.

Projet du Gouvernement (1800), Book I, Title X, Art. 33.

According to the symptoms of the disease under which the person interdicted labors, and according to the amount of his estate, the family meeting can decide that the interdicted person be attended in his own house, or that he be placed in a bettering house, or even in an asylum.

Selon les caractères de la maladie dont l'interdit est atteint, et suivant l'état de sa fortune, le conseil de famille peut arrêter qu'il sera traité dans son domicile, ou qu'il sera placé dans une maison de santé, et même dans un hospice.

ART. 418. The income of the person interdicted shall be employed in mitigating his sufferings, and in accelerating his cure, under the penalty against the curator of being removed in case of neglect.*

RCC—347, 348, 350.

RCC 1870, Art. 418.

Same as above.

CC 1825, Art. 405.

(No reference in Projet)

Same as above.

Les revenus de l'interdit doivent être essentiellement employés à adoucir son sort, et à accélérer sa guérison, à peine contre le curateur, en cas de contravention, d'être destitué, si le cas le requiert.*

CC 1808, p. 82, Art. 25.

The revenues of the person interdicted, shall be employed essentially in mitigating his sufferings, and in accelerating his cure, under the penalty against the curator, in case he shall be guilty of neglect in that respect, of being sentenced to pay a fine which shall not exceed five hundred dollars, nor be less than fifty dollars, and even to be deprived of the curatorship, if the case shall require it.

-p. 83, Art. 25.

Les revenus de l'interdit doivent être essentiellement employés à adoucir son sort, et à accélérer sa guérison, à peine contre le curateur, en cas de contravention, d'être condamné à payer une amende qui ne pourra s'élever au-dessus de cinq cents piastres, ni être moindre de cinquante; et même d'être destitué, si le cas le requiert.

CN 1804, Art. 510, sentence 1.

The income of the person interdicted shall be employed in mitigating his suffering and in accelerating his cure.

Les revenus d'un interdit doivent être essentiellement employés à adoucir son sort et à accélérer sa guérison.

*English translation of French text incomplete; should include "if the case shall require it."

ART. 419. He who petitions for the interdiction of any person, and fails in obtaining such interdiction, may be prosecuted for and sentenced to pay damages, if he shall have acted from motives of interest or passion.

RCC—397.

RCC 1870, Art. 419.

Same as above.

CC 1825, Art. 406.

Same as above.

(No reference in *Projet*)

Tout demandeur en interdiction qui succombe, peut être poursuivi en dommages-intérêts, s'il n'a agi que par intérêt ou par passion.

CC 1808, p. 82, Art. 26.

Same as above; but no punctuation after "person."

-p. 83, Art. 26.

Same as above.

CN 1804. No corresponding article.**Projet du Gouvernement (1800), Book I, Title X, Art. 36.**

He who petitions for the interdiction of any person and fails in obtaining such interdiction, should be sentenced to pay damages, if he shall have acted from motives of interest or passion.

Tout demandeur en interdiction, qui succombe, doit être condamné en des dommages et intérêts, s'il n'a agi que par intérêt ou par passion.

ART. 420. Interdiction ends with the causes which gave rise to it. Nevertheless the person interdicted can not resume the exercise of his rights, until after the definitive judgment by which the repeal of the interdiction is pronounced.

RCC—389, 421, 422, 1788(13). CP—924.

RCC 1870, Art. 420.

Same as above.

CC 1825, Art. 407.

Same as above.

(No reference in *Projet*)

L'interdiction finit avec les causes qui l'avaient déterminée; néanmoins l'interdit ne peut reprendre l'exercice de ses droits qu'après le jugement définitif qui prononce la main-levée de l'interdiction.

CC 1808, p. 82, Art. 27.

Same as above; but no punctuation after "rights."

-p. 83, Art. 27.

Same as above; but comma (,) after "déterminée."

CN 1804, Art. 512.

Interdiction ceases with the causes which gave rise to it: nevertheless the repeal shall not be pronounced without observing the formalities required for obtaining the interdiction, and the interdict shall not be able to resume the exercise of his rights until after the judgment of repeal.

L'interdiction cesse avec les causes qui l'ont déterminée: néanmoins la main-levée ne sera prononcée qu'en observant les formalités prescrites pour parvenir à l'interdiction, et l'interdit ne pourra reprendre l'exercice de ses droits qu'après le jugement de main-levée.

Projet du Gouvernement (1800), Book I, Title X, Art. 37.

Same as CC 1808, p. 82, Art. 27, above.

Same as CC 1808, p. 83, Art. 27, above; but period (.) after "déterminée"; comma (,) after "néanmoins", and after "droits."

ART. 421. Interdiction can only be revoked by the same solemnities which were observed in pronouncing it.

RCC—392, 420, 1788(13).

RCC 1870, Art. 421.

Same as above.

CC 1825, Art. 408.

Same as above.

(No reference in *Projet*)

La main-levée de l'interdiction ne peut être prononcée qu'avec les mêmes formes que l'interdiction.

CC 1808, p. 82, Art. 28.

Interdiction cannot be repealed, but according to the formalities which were observed in pronouncing it.

-p. 83, Art. 28.

Same as above.

CN 1804, Art. 512.

Quoted under RCC 1870, Art. 420, above.

Projet du Gouvernement (1800), Book I, Title X, Art. 38.

The interdiction can only be revoked by the same solemnities which were observed in pronouncing it.

La main-levée ne peut être prononcée qu'avec les mêmes formes que l'interdiction.

ART. 422. Not only lunatics and idiots are liable to be interdicted, but likewise all persons who, owing to any infirmity, are incapable of taking care of their persons and administering their estates.

Such persons shall be placed under the care of a curator, who shall be appointed and shall administer in conformity with the rules contained in the present chapter.

RCC—389, 420, 426, 1548. Acts 1890, No. 100 (as am. by 1932, No. 191); 1894, No. 157.

RCC 1870, Art. 422.

(Same as Art. 422 of Proposed Revision of 1869)

Same as above.

CC 1825, Art. 409.

(Projet, p. 31. Amendment adopted; no comment)

Not only lunatics and idiots are liable to be interdicted, but likewise all persons who, owing to certain infirmities, are incapable of taking care of their persons and administering their estates.

Non seulement les fous et les insensés sont sujets à être interdits; mais il en est de même de toutes les personnes qui, par quelque infirmité, sont incapables de l'administration de leurs personnes et de leurs biens.

Par. 2 same as par. 2, above.

Ces personnes doivent être pourvues par le juge d'un curateur, qui sera nommé et gérera conformément aux règles du présent chapitre.

CC 1808, p. 82, Art. 29.

Not only lunatics and idiots are liable to be interdicted; but likewise all persons, who, owing to certain infirmities, are incapable of administering their persons and their estates, as is the case with those who are deaf and dumb.

Par. 2 same as par. 2, above.

-p. 83, Art. 29.

Non-seulement les fous et les insensés sont sujets à être interdits, mais il en est de même de toutes les personnes, qui, par quelque infirmité, sont incapables de l'administration de leurs personnes et de leurs biens, comme serait un sourd et muet.

Par. 2 same as par. 2, above; but no punctuation after "curateur."

CN 1804. No corresponding article.

ART. 423.* The person interdicted can not be taken out of the State without a judicial order, given on the recommendation of a family meeting, and on the opinion delivered under oath of at least two physicians, that they believe the departure necessary to the health of the person interdicted.

RCC—415. Acts 1926, No. 319; 1934, No. 47 (as am. by 1935, 2E.S., No. 18).

RCC 1870, Art. 423.

Same as above.

CC 1825, Art. 410.

(Projet, p. 31. Addition adopted; no comment)

Same as above.

L'interdit ne peut être transporté hors de l'Etat sans autorisation de

justice, donnée sur la recommandation de l'assemblée de famille, et sur l'avis assermenté d'aumoins deux médecins, déclarant qu'ils croient ce transport nécessaire à la santé de l'interdit.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

*In connection with this article see Acts 1926, No. 319; 1934, No. 47 (as am. by 1935, 2E.S., No. 18).

ART. 424. There shall be appointed by the judge a superintendent to the person interdicted, whose duty it shall be to inform the judge, at least once in three months, of the state of the health of the person interdicted, and of the manner in which he is treated.

To this end, the superintendent shall have free access to the person interdicted, whenever he wishes to see him.

RCC—417.

RCC 1870, Art. 424.

Same as above.

CC 1825, Art. 411.

Same as above.

(Projet, p. 31. Addition ‡ adopted; no comment)

Il sera nommé d'office par le juge un surveillant à l'interdit, dont le devoir sera d'informer le juge, aumoins une fois tous les trois mois, de l'état de santé de l'interdit et de la manière dont il est traité.

A cet effet le surveillant aura accès auprès de l'interdit, toutes les fois qu'il jugera à propos de le voir.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 425. It is the duty of the judge to visit the person interdicted, whenever from the information he receives, he shall deem it expedient.

This visit shall be made at times when the curator is not present.

RCC—417.

RCC 1870, Art. 425.

Same as above.

CC 1825, Art. 412.

Same as above.

(Projet, p. 31. Addition ‡ adopted; no comment)

Le juge devra faire visiter lui-même l'interdit, lorsque, d'après les informations qu'il aura reçues, il croira cette visite nécessaire.

Cette visite devra être faite hors de la présence du curateur.

CC 1808. No corresponding article.

CN 1804. No corresponding article.

ART. 426.* Interdicting is not allowed on account of profligacy or prodigality.

RCC—389, 422, 1788. Acts 1890, No. 100 (as am. by 1932, No. 191).

RCC 1870, Art. 426.

Same as above.

CC 1825, Art. 413.

Same as above.

(No reference in Projet)

L'interdiction n'a plus lieu pour cause de dissipation ou de prodigalité.

CC 1808, p. 82, Art. 30.

Same as above.

-p. 83, Art. 30.

Same as above.

CN 1804, Art. 513.

Spendthrifts can be forbidden to plead, compromise, borrow, receive movable assets and issue receipts for the same, alienate or mortgage their property, without the assistance of an adviser appointed to them by the court.

Il peut être défendu aux prodigues de plaider, de transiger, d'emprunter, de recevoir un capital mobilier et d'en donner décharge, d'aliéner, ni de grever leurs biens d'hypothèques, sans l'assistance d'un conseil qui leur est nommé par le tribunal.

*In connection with this article see Acts 1890, No. 100 (as am. by 1932, No. 191).

TITLE X—OF CORPORATIONS*

*In connection with this title see Acts 1914, No. 254 (as am. by 1924, No. 190, and 1936, No. 146); 1914, No. 267, §§23-27; 1922, No. 107; 1924, No. 148; 1928, No. 250 (as am. by 1932, No. 65, and 1935, 4E.S., No. 34); 1934, 3E.S., No. 12; 1934, 3E.S., No. 23; 1935, 1E.S., No. 10; Const. 1921, XIII, 1, 2, 5.

Chapter 1—OF THE NATURE OF CORPORATIONS, OF THEIR USE
AND KINDS

ART. 427.* A corporation is an intellectual body, created by law, composed of individuals united under a common name, the members of which succeed each other, so that the body continues always the same, notwithstanding the change of the individuals which compose it, and which, for certain purposes, is considered as a natural person.

RCC—433, 435, 436, 446. Acts 1928, No. 250, §1 (as am. by 1932, No. 65).

RCC 1870, Art. 427.

Same as above.

CC 1825, Art. 418.

Same as above.

(Projet, p. 31. Amendment adopted; no comment)

Une corporation est un corps intellectuel, créé par la loi, composé de plusieurs individus réunis sous un nom commun, dont les membres se succèdent de manière que le corps demeure toujours le même, malgré le changement des individus, et qui, pour certains objets, est considéré comme une personne naturelle.

CC 1808, p. 86, Art. 1.

By community or corporation is meant the assembly of several persons united in one body organised conformably to law, or with the permission of the legislature.

-p. 87, Art. 1.

On entend par communauté ou corporation, l'assemblée de plusieurs personnes unies en un corps formé conformément à la loi, ou avec la permission de la législature.

-p. 86, Art. 2.

According to this definition, communities or corporations are composed of persons either of the same or of different orders, with the exception however that no corporation comprehends persons of all the orders.

-p. 87, Art. 2.

Suivant cette définition, les communautés ou corporations sont composées de personnes d'un même ordre, ou d'ordres différens, mais de manière cependant qu'aucune ne comprend des personnes de tous les ordres.